

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Robert W. Duda, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC77-99
)	
The City and Town of New Haven, and Robert J. Schreck, Principal,)	June 13, 1977
Richard C. Lee High School, Respondents)	

The above captioned matter was heard as a contested case on June 7, 1977, at which time the complainant appeared and presented testimony.

After consideration of the entire record, the following facts are found:

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. On May 9, 1977, the complainant sent a request to the respondent principal for access to inspect or copy records pertaining to Richard C. Lee High School.

3. Having failed to receive a response within four days after sending his letter, the complainant filed a complaint with this Commission on May 17, 1977.

4. In a letter of May 20, 1977, the Deputy Corporation Counsel for the City of New Haven asked the complainant to specify the kinds of records he wished to inspect. The complainant's reply of May 25, 1977 enumerated among these the general ledger, book of receipts, records of bank accounts, and the minutes of the Lee High School Community Council from 1970 to 1974. The complainant included a more detailed list in a letter to the respondent principal of June 2, 1977.

5. On May 25, 1977, counsel for the City of New Haven invited the complainant to examine the records at Lee High School.

6. The complainant went to Lee High School on June 1, 1977, to inspect records. The head clerk for the high school did not show him all the records for which he had asked, and would not reproduce for him copies of the records which he did inspect.

7. The complainant returned to Lee High School on June 6, 1977. The respondent's secretary gave him copies of the minutes of five meetings of the Community Council, but the complainant alleges that minutes for the bulk of the meetings for 1970 - 1974 were withheld. The secretary also

claimed to be unable to give him additional material from the ledger.

8. It may be concluded from the foregoing record that the complainant was precluded from inspecting all of the records which he had requested.

9. The requested records are public records within the meaning of §1-19(a), G.S., and consequently the complainant has the right to inspect or copy them.

10. By failing to respond to the complainant's request within four business days, the respondent principal effectively denied his request under §1-21(i)(a), G.S.

11. By filing a complaint with the Commission within fifteen days of the effective denial of his request, the complainant made a timely appeal under §1-21(i)(b), G.S.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:


1. The respondent shall forthwith comply with §1-19(a), G.S., by providing the complainant with access to the public records which he requested, and as he enumerated them in his letter to the respondent principal of June 2, 1977.



Commissioner Helen M. Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on
June 22, 1977.



Mitchell W. Pearlman as Acting
Clerk of the Commission